

AMENDED IN SENATE APRIL 12, 2005

**SENATE BILL**

**No. 238**

**Introduced by Senator Migden**

February 15, 2005

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An act to ~~add Section 97.3 to~~ add and repeal Section 97.3 of the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to streets and highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 238, as amended, Migden. Safety Enhancement-Double Fine Zones: Golden Gate Bridge.

Existing law provides for the designation of a specified segment of a state highway as a Safety Enhancement-Double Fine Zone.

This bill would, *until January 1, 2009*, designate the Golden Gate Bridge as a Safety Enhancement-Double Fine Zone, upon approval of a resolution designating it as such by the Golden Gate Bridge, Highway and Transportation District, and would impose an increased penalty for certain traffic violations committed on the bridge. *The bill would also require the Department of Transportation to, by January 1, 2008, prepare an evaluation on the Safety Enhancement-Double Fine Zone and submit a report to the Legislature.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 97.3 is added to the Streets and
- 2 Highways Code, to read:
- 3 97.3. (a) The 1.73-mile segment that is the Golden Gate
- 4 Bridge shall be a Safety Enhancement-Double Fine Zone upon
- 5 approval of a resolution designating it as such by the Golden

1 Gate Bridge, Highway and Transportation District. The district,  
2 in consultation with the department, shall assume all  
3 responsibilities that would otherwise accrue to the department for  
4 the administration of the Safety Enhancement-Double Fine Zone  
5 designated pursuant to this section.

6 (b) The Safety Enhancement-Double Fine Zone described in  
7 subdivision (a) is subject to the rules and regulations adopted by  
8 the department prescribing uniform standards for warning signs  
9 to notify motorists that, pursuant to Section 42010 of the Vehicle  
10 Code, increased penalties apply for traffic violations that are  
11 committed within a Safety Enhancement-Double Fine Zone. The  
12 Golden Gate Bridge, Highway and Transportation District shall  
13 place and maintain the warning signs identifying this segment by  
14 stating that a “Special Safety Zone Region Begins Here” and a  
15 “Special Safety Zone Ends Here.”

16 (c) Designation of the segment in subdivision (a) as a Safety  
17 Enhancement-Double Fine Zone does not increase the civil  
18 liability of the state or the Golden Gate Bridge, Highway and  
19 Transportation District under Division 3.6 (commencing with  
20 Section 810) of Title 1 of the Government Code or any other  
21 provision of law relating to civil liability.

22 (d) (1) Only the base fine shall be enhanced pursuant to this  
23 section.

24 (2) Notwithstanding any other provision of law, any additional  
25 penalty, forfeiture, or assessment imposed by any other statute  
26 shall be based on the amount of the base fine before enhancement  
27 or doubling and shall not be based on the amount of the enhanced  
28 fine imposed pursuant to this section.

29 (e) The project specified in subdivision (a), if eligible for state  
30 funding, shall not be elevated in priority for state funding  
31 purposes.

32 (f) *The Safety Enhancement-Double Fine Zone described in*  
33 *subdivision (a) shall, where appropriate and feasible, be*  
34 *established in combination with increased traffic enforcement*  
35 *and other roadway safety measures. A public awareness*  
36 *campaign shall also be undertaken as part of the Safety*  
37 *Enhancement-Double Fine Zone.*

38 (g) *The department shall, by January 1, 2008, prepare an*  
39 *evaluation on the effectiveness of the Safety*  
40 *Enhancement-Double Fine Zone described in subdivision (a) and*

1 *submit a report to the Senate Committee on Transportation and*  
 2 *Housing and the Assembly Committee on Transportation. The*  
 3 *report shall also include a recommendation on whether to*  
 4 *reauthorize the Safety Enhancement-Double Fine Zone described*  
 5 *in subdivision (a).*

6 *(h) This section shall remain in effect only until January 1,*  
 7 *2009, and as of that date is repealed, unless a later enacted*  
 8 *statute, that is enacted before January 1, 2009, deletes or extends*  
 9 *that date.*

10 SEC. 2. Section 42010 is added to the Vehicle Code, to read:

11 42010. (a) For any offense specified in subdivision (b) that is  
 12 committed by the driver of a vehicle within an area that has been  
 13 designated as a Safety Enhancement-Double Fine Zone pursuant  
 14 to Section 97.3 of the Streets and Highways Code, the fine, in a  
 15 misdemeanor case, shall be double the amount otherwise  
 16 prescribed, and, in an infraction case, the fine shall be one  
 17 category higher than the penalty otherwise prescribed by the  
 18 uniform traffic penalty schedule established pursuant to Section  
 19 40310.

20 (b) A violation of any of the following provisions is an offense  
 21 that is subject to subdivision (a):

22 (1) Chapter 3 (commencing with Section 21650) of Division  
 23 11, relating to driving, overtaking, and passing.

24 (2) Chapter 7 (commencing with Section 22348) of Division  
 25 11, relating to speed limits.

26 (3) Section 23103, relating to reckless driving.

27 (4) Section 23104, relating to reckless driving that results in  
 28 bodily injury to another.

29 (5) Section 23109, relating to speed contests.

30 (6) Section 23152, relating to driving under the influence of  
 31 alcohol or a controlled substance, or a violation of Section  
 32 23103, as specified in Section 23103.5, relating to alcohol-related  
 33 reckless driving.

34 (7) Section 23153, relating to driving under the influence of  
 35 alcohol or a controlled substance, which results in bodily injury  
 36 to another.

37 (8) Section 23220, relating to drinking while driving.

38 (9) Section 23221, relating to drinking in a motor vehicle  
 39 while on the highway.

1 (10) Section 23222, relating to driving while possessing an  
2 open alcoholic beverage container.

3 (11) Section 23223, relating to being in a vehicle on the  
4 highway while possessing an open alcoholic beverage container.

5 (12) Section 23224, relating to being a driver or passenger  
6 under the age of 21 possessing an open alcoholic beverage  
7 container.

8 (13) Section 23225, relating to being the owner or driver of a  
9 vehicle in which there is an open alcoholic beverage container.

10 (14) Section 23226, relating to being a passenger in a vehicle  
11 in which there is an open alcoholic beverage container.

12 (c) This section applies only when traffic controls or warning  
13 signs have been placed pursuant to Section 97.3 of the Streets  
14 and Highways Code.

15 (d) (1) Notwithstanding any other provision of law, the  
16 enhanced fine imposed pursuant to this section shall be based  
17 only on the base fine imposed for the underlying offense and  
18 shall not include any other enhancements imposed pursuant to  
19 law.

20 (2) Notwithstanding any other provision of law, any additional  
21 penalty, forfeiture, or assessment imposed by any other statute  
22 shall be based on the amount of the base fine before enhancement  
23 or doubling and shall not be based on the amount of the enhanced  
24 fine imposed pursuant to this section.